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Michigan trooper resigns as ATV probe widens

George Hunter, The Detroit News

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(Photo: Todd McInturf, The Detroit News)

The Michigan State Police trooper accused of using his stun gun on a 15-year-old ATV driver has resigned, while two other state cops involved in the fatal incident have been suspended, a state police official said Monday.

Meanwhile, Detroit police are investigating a state police sergeant who allegedly discarded evidence from the scene, three Detroit police sources involved in the case told The Detroit News.

Before Detroit and state police launched separate criminal investigations into Damon Grimes' Aug. 26 death, the sergeant, a supervisor who had responded to the scene, collected one of the stun gun's wires and prongs and later threw them into a trash can at a state police post, the sources said.

Investigators are trying to determine whether the sergeant was trying to cover up evidence, or was simply being careless by throwing the wire away, the sources said. The other wire used in the incident was left at the scene and taken into evidence, the sources said.

Detroit police detectives plan to submit warrant requests to prosecutors seeking charges against the sergeant, the driver of the state police cruiser and the passenger who deployed the stun gun, the sources said.



Damon Grimes (Photo: Courtesy Fieger Law)

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The passenger, trooper Mark Bessner, was arrested by the state police MSP spokeswoman Shannon Banner said Monday. She added two other state cops have been suspended in connection with the incident, although she would not identify them or what they did.

"We have started submitting our reports to the prosecutor's office, and now we want to respect them and let them carry out their role in this process," Banner said. "We have conducted a thorough investigation and we want to be as transparent as possible, but we need to let prosecutors review our investigation report.

"As a result of our investigation, we thought it was appropriate to suspend two other employees," Banner said. "Another (Bessner) has chosen to resign."

Bessner was suspended Aug. 28, and resigned Sept. 22, Banner said. The two others were suspended Sept. 26, she said.

Bessner's attorney Richard Convertino did not reply Monday to a phone call seeking comment. A message left with the Michigan State Police Troopers Association was not returned.

The Wayne County Prosecutor's Office received a warrant request from the state police Friday and returned it Monday to the agency for further investigation, assistant prosecutor Maria Miller said.

Miller would not say what name or names were on the MSP warrant request.

As state police submit their reports to prosecutors, Detroit police investigators are still weighing which charges to seek against the three men, according to the Detroit police sources. If it's determined the MSP sergeant was merely careless, investigators might seek a misdemeanor charge against him, the sources said.

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Police Chief James Craig declined to comment. "It's an ongoing investigation," he said.

Stun guns deliver up to 50,000 volts of electricity by firing a pair of barbed electrodes attached to conductive wires. The cartridge containing the electrodes and wires is replaced after each use. For a stun gun to work effectively, both barbed prongs must lodge into the target's skin to complete the electric circuit.

Stun gun wires and prongs could contain important evidence in a court case, legal experts said.

"If the Taser prongs go into the body, there could be DNA evidence to show (the Taser) actually hit the target," said Curt Benson, a professor at the Cooley School of Law. "Police would want to save and conserve every conceivable piece of evidence at a scene."

University of Michigan law professor David Moran agreed. "If the Taser prong is embedded in someone's body, you'd expect their DNA to be present, and that could be evidence that could be used in a criminal prosecution."

DNA from stun gun prongs has been used in trials, including a 2007 Monterey County, California, case in which police linked a man to a rape by extracting DNA from a Taser's barbs after the stun gun was used on him in a separate incident. Some stun gun manufacturers list DNA extraction as one of the benefits of the devices.

State police say Grimes was illegally driving the ATV in the streets of his east side neighborhood when he was ordered to stop. Grimes didn't comply before Bessner deployed his stun gun, police said.

The stun gun's electrically charged barbed prongs hit Grimes, who crashed into a flatbed and died from blunt-force head injuries, according to the Wayne County Medical Examiner's Office.

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Bessner was suspended two days after the incident for allegedly using the stun gun on a ramping vehicle. Bessner was previously accused of excessive force ([/story/news/local/detroit-city/2017/08/30/fatal-atv-crash-michigan-state-police-lawsuit/105112680/](http://story/news/local/detroit-city/2017/08/30/fatal-atv-crash-michigan-state-police-lawsuit/105112680/)) in two separate lawsuits, although the cases against him were dismissed.

All three suspensions related to the case were paid, Banner said. "If they are charged with a crime, we can move to an unpaid suspension," she said.

In the wake of the incident, investigations were launched by state police and Detroit police. On Friday, officials with both agencies said the respective probes are winding down ([/story/news/local/detroit-city/2017/09/29/atv-chase-death-investigations/106121560/](http://story/news/local/detroit-city/2017/09/29/atv-chase-death-investigations/106121560/)).

"We're waiting on forensic analysis to come back from evidence items, although I won't say what those evidence items are," Craig said.

"The investigation is moving along like we'd hoped it would but when you talk about forensic analysis, those things don't come back in a few days," Craig said.

The chief added Wayne County prosecutors have been working with Detroit police investigators on the case.

Banner said the MSP investigation into the incident also is coming to a close. She said an internal investigation will be conducted after the criminal probe is finished.

"There are still some pieces that are outstanding that we continue to work on, and we fully expect the prosecutor's office may request additional follow-up once they have the opportunity to review our reports," Banner said.

The incident has sparked several protests, and prompted state police to temporarily pull troopers out of the 9th Precinct ([/story/news/local/detroit-city/2017/09/18/state-police-stop-patrols-atv-high-crime-detroit-precinct/105772908/](http://story/news/local/detroit-city/2017/09/18/state-police-stop-patrols-atv-high-crime-detroit-precinct/105772908/)) to avoid stoking animosity in Grimes' neighborhood. Troopers had been assigned to the precinct as part of the state's Secure Cities Partnership initiative.

Geoffrey Fieger, attorney for Grimes' family, has filed a \$50 million lawsuit against the state. ([/story/news/local/detroit-city/2017/08/30/fatal-atv-crash-michigan-state-police-lawsuit/105112680/](http://story/news/local/detroit-city/2017/08/30/fatal-atv-crash-michigan-state-police-lawsuit/105112680/))

State police changed the agency's policy ([/story/news/local/detroit-city/2017/08/31/state-police-changes-vehicle-pursuit-policy-detroit/621445001/](http://story/news/local/detroit-city/2017/08/31/state-police-changes-vehicle-pursuit-policy-detroit/621445001/)) in the city after the incident to match Detroit's edict that officers refrain from high-speed chases unless they're pursuing someone perceived to be a danger to the community. Prior to the change, state police routinely chased traffic violators and others committing nonviolent crimes.

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